



## Transcript of the Testimony of **Natalie Reeser**

**Date:** March 30, 2015  
**Volume:** I

**Case:** Reeser v. Henry Ford Hospital

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Natalie Reeser  
3/30/2015

Page 1

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

NATALIE REESER,

Plaintiff,

CASE NO:2:14-cv-11916

vs.

HENRY FORD HOSPITAL,

Defendant.

/

Volume I of the deposition of NATALIE  
REESER, taken before me, Lauri A. Sheldon, CSR 4045, RPR,  
on March 23, 2015, at 39500 High Pointe Boulevard, Suite  
350, Novi, Michigan, commencing at or about 10:07 a.m.

APPEARANCES:

MILLER COHEN, P.L.C.  
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Appearing on behalf of the Defendant.

Natalie Reeser  
3/30/2015

Page 36

1 A I was given direct orders from Martha Wiseheart on a  
2 daily basis to do all of her administrative assistant  
3 work.

4 Q We'll get through this a lot quicker if you just listen  
5 to my questions.

6 MR. FLYNN: Objection. She's answering your  
7 question.

8 THE WITNESS: I answered the question.

9 Q (Continuing by Mr. Miglio): Were there additional job  
10 duties other than what's listed on Exhibit 5 that you  
11 were required to do?

12 MR. FLYNN: Objection. Asked and answered.  
13 You can answer.

14 THE WITNESS: On a daily basis Martha Wiseheart  
15 directed me to do her administrative assistant jobs.

16 Q (Continuing by Mr. Miglio): So the answer to my question  
17 is yes.

18 A No. There's more.

19 Q Okay. The answer to my question that you were required  
20 to do job duties in addition to what's listed on  
21 Exhibit 5 is yes?

22 MR. FLYNN: Objection. Asked and answered.

23 Q (Continuing by Mr. Miglio): Correct?

24 A I don't know what you're asking. I gave my answer.

25 Q What additional job duties did you have other than what's

Natalie Reeser  
3/30/2015

Page 92

1 Clinton Township site.

2 A Martha Wiseheart let me leave for a TB test. She let me  
3 leave for cashing a check, the flood check. She let me  
4 leave to go to the bank one day and cash another check.  
5 She let me leave and actually take a lunch one day.

6 Q Any other occasions?

7 A I can't recall the last one.

8 Q All right. When did she let you leave to go to a TB  
9 test?

10 A I'm not sure when that was.

11 Q And how did she give you authorization? Did she tell you  
12 verbally or --

13 A Yes.

14 Q -- she said that, "Just go ahead and leave for the TB  
15 test."

16 A "Just run over there. Go get your TB. I'll watch the  
17 desk."

18 Q Okay. Was that on the day that you were suspended? Is  
19 that the incident?

20 A No. No.

21 Q Oh, there was another TB test before that -- or there was  
22 a TB test that you were given authorization to leave  
23 before that, right? Is that what you're saying?

24 A Nope. Only one TB test.

25 Q Okay. And you're saying Martha gave you authorization.

Natalie Reeser  
3/30/2015

Page 93

1 A Yes, she did.  
2 Q Did Fiona give you authorization to leave --  
3 A I don't recall.  
4 Q -- on that occasion?  
5 A Don't know.  
6 Q Okay. And this cashing the flood check, when did that  
7 occur?  
8 A Sometime in 2012, 2013.  
9 Q And what site were you working at?  
10 A The only site I worked at primary, Clinton Township PSC.  
11 Q And what happened that you needed to leave the work site?  
12 A They issued the check. Martha was acting like she was a  
13 friend of mine. She wanted me to be able to go buy some  
14 clothes and some food, because she had taken me shopping  
15 and bought me that stuff herself, so she wanted me to go  
16 pick up the check, cash it from the insurance place, so  
17 I'd have money to find a place to stay that night.  
18 Q Okay. What happened to the site when you left? Somebody  
19 cover?  
20 A I'm not sure.  
21 Q Did somebody cover?  
22 A I have no clue.  
23 Q Okay. And Martha said to you you can go ahead and leave?  
24 A Martha gave me permission to leave, correct.  
25 Q Did she give that to you in writing?

Natalie Reeser  
3/30/2015

Page 94

1 A No.  
2 Q And you say that was during 2012 or during 2013?  
3 A Correct.  
4 Q Well, which? Do you know?  
5 A I don't recall when I got the check.  
6 Q Well, when was the place flooded?  
7 A It was flooded in 2012, but the whatever, lawsuit,  
8 the . . . and when there's multiple people or whatever, I  
9 don't know. It was at the end of that lawsuit that we --  
10 Q Okay. And then you said you went to a bank a second time  
11 and Martha gave you permission. When was that, the trip  
12 to the bank the second time?  
13 A I believe in 2013.  
14 Q And what was that for?  
15 A She just let me have a lunch break finally.  
16 Q Did somebody cover?  
17 A No.  
18 Q Do you know whether Fiona gave you authorization to go to  
19 the bank that second time?  
20 A I do not recall.  
21 Q Do you know whether Fiona was consulted to give you  
22 authorization to go to cash the flood check?  
23 A I do not know.  
24 Q Okay. And then you said you -- the fourth occasion was  
25 you left to go to lunch and Martha gave you permission.

Natalie Reeser  
3/30/2015

Page 95

1       Is that what you said?  
2   A    Yeah. As a matter of fact, Martha gave me money and I  
3       bought her food and brought it back to her.  
4   Q    When was that?  
5   A    That was in 2013 some time.  
6   Q    And you say Martha gave you authorization in writing or  
7       verbally?  
8   A    Martha was my standing manager, so she gave me  
9       authorization verbally.  
10   Q    Standing manager. What does that mean?  
11   A    That means she was in the building with me and gave me  
12       direct orders all day long. She was the manager I  
13       reported to, basically.  
14   Q    The manager you reported to. And was she the manager  
15       that you reported to throughout the course of your  
16       employment?  
17   A    Pretty much, yes.  
18   Q    Did she perform your performance evaluation?  
19   A    No.  
20   Q    Did she set your wages, do you know?  
21   A    I have no clue. At the time of my employment there  
22       Martha and Fiona acted like they were partners, and I'm  
23       not the only employee who understands that.  
24   Q    Who else would understand that?  
25   A    Some of the employees that are no longer there.

Natalie Reeser  
3/30/2015

Page 110

1 A December 30th, 2011.

2 Q Okay. And when was the unemployment hearing?

3 A These are probably all documents that I printed off to  
4 send to Jill Hood.

5 Q When was the unemployment hearing?

6 A I have no clue.

7 Q And why were you informing Jill Hood about this?

8 A I was informing Jill Hood about that because I was given  
9 a direct order from Fiona to testify against this person  
10 so they would not receive compensation from Henry Ford  
11 Medical Laboratories. Unemployment.

12 Q Okay. And why were you telling Jill Hood this?

13 A Because that's part of the harassment that Fiona gave me  
14 after I reported the State about lunches and breaks.

15 Q Exactly when did you report to the State that you were  
16 not paid for your lunches?

17 A The beginning of January 2015 -- or 2014 I called and  
18 spoke with the Fair Labor Standards Acts, whatever  
19 department. They told me I absolutely had a case, they  
20 were sending me the paperwork out in the mail, and they  
21 expected me to fill it out and send it back in.

22 Q So my question, as it was the first time, when did you  
23 file a complaint with the State?

24 A In January.

25 Q Do you recall the date?

Natalie Reeser  
3/30/2015

Page 115

1 page?  
2 A Yes. Also, on this document the lunches doesn't ask to  
3 be authorized. Just wanted to point that out.

4 Q Thank you.

5 A You're welcome.

6 (Exhibit 39 marked.)

7 Q (Continuing by Mr. Miglio): Let me show you what's been  
8 marked as Exhibit 39.

9 A Okay.

10 Q So the first email of this chain is on the second page,  
11 and it's an email that you sent to Fiona Bork on October  
12 23rd, 2012, at 11:11 a.m. Do I have that right?

13 A Yes.

14 Q Okay. And you were asking Fiona what?

15 A If I could take a 30-minute lunch break.

16 Q And put a note on the door.

17 A Most likely Martha Wiseheart was not in the office that  
18 day.

19 Q So you --

20 A Otherwise, I would have asked her.

21 Q So you were asking her, Fiona, whether you could take a  
22 30-minute lunch and put a note on the door, correct?

23 MR. FLYNN: Objection. The document speaks --

24 MR. MIGLIO: Is that right?

25 MR. FLYNN: The document speaks for itself, and

Natalie Reeser  
3/30/2015

Page 116

1                   she just already answered from your question.

2   Q  (Continuing by Mr. Miglio):  Is that correct, you were  
3                   asking her to leave the site for 30 minutes and put a  
4                   sign on the door?

5                   MR. FLYNN:  Objection.  Asked and answered.

6                   THE WITNESS:  I already answered your question.

7                   MR. FLYNN:  You can answer it again, but --

8                   THE WITNESS:  I was asking probably because  
9                   Martha wasn't in the office.

10   Q  (Continuing by Mr. Miglio):  Okay.  So what was the  
11                   response you got?

12  A  I'm not sure.

13                   MR. FLYNN:  The response isn't here, is it?

14                   THE WITNESS:  Oh.  Yeah, it's right there.  She  
15                   wanted to know if someone could come over from Shelby.

16  Q  (Continuing by Mr. Miglio):  So somebody came over to  
17                   cover for you the time you were gone; is that right?

18  A  Looks like at this point in time, yeah.

19  Q  So why didn't the policy apply that you didn't need to  
20                   ask anybody for permission to leave for lunch?

21                   MR. FLYNN:  Objection.  Misconstrues her  
22                   earlier testimony.

23                   THE WITNESS:  The new policy did not require me  
24                   to get authorization for lunch.

25  Q  (Continuing by Mr. Miglio):  That's not what I asked you.

Natalie Reeser  
3/30/2015

Page 151

1 (Exhibit 57 marked.)

2 Q (Continuing by Mr. Miglio): I show you what's been marked  
3 as Exhibit 57. What is this?

4 A This is the note -- or the note that I created that had  
5 to be approved by Martha Wiseheart to go on our front  
6 door in early -- I created this, I believe, in 2011, and  
7 Fiona, if that is her writing there that says "Saw for  
8 the first time after her termination," she used this on  
9 the day I went to get my TB test read, so that would be a  
10 lie.

11 Q Who used this?

12 A Fiona had this on the door -- or I had this on the door  
13 the day I left for my TB test to be read.

14 Q Is that the day that Martha covered for you?

15 A Correct. Martha was also there. She also saw this. She  
16 also watched me fill out the time that I thought I'd be  
17 back and she -- she had to approve everything I put up on  
18 the wall.

19 Q So what happened to the sign that you used that day?

20 A When you use a sign, because you have to fill out the  
21 time, you shred the sign. Anytime that I made a  
22 document, even if it was for Christmas, for Thanksgiving,  
23 Martha approved the document, it went up, I'd get it  
24 back, it would be destroyed, because it's covered in  
25 tape.

Natalie Reeser  
3/30/2015

Page 152

1 Q Threw the sign into the shredder.  
2 A All signs go in the shredder.  
3 Q Just as opposed to just crinkling it up and throwing it  
4 in the garbage can?  
5 A We shred everything at Clinton Township.  
6 Q So how many times have you used this tiny sign?  
7 A Five.  
8 Q Five times.  
9 A At least that I remember. Yes.  
10 Q And those five times were the four that you identified  
11 earlier?  
12 A Correct.  
13 Q Is it five or four times you recall putting a sign up?  
14 A I'm sure it was more than that, but I just don't recall  
15 the instances.  
16 Q So --  
17 A But every time I left with the sign on the door Martha  
18 Wiseheart was present, she saw the sign, she approved the  
19 sign, and she was also one of my direct supervisors.  
20 Q So when you had your TB test, where did the -- where was  
21 the test given?  
22 A Downtown.  
23 Q Okay.  
24 A It was read at Macomb.  
25 Q And you said there was -- What were the other occasions

Natalie Reeser  
3/30/2015

Page 153

1           when you left and put a sign up?

2   A    I really don't recall. I told you earlier.

3   Q    You don't recall the five times?

4   A    I testified earlier as to my five times, so you'll have

5        to just look at the record for that. I don't know.

6   Q    Well, I'm asking you, on another occasion was Martha --

7        on every occasion that you put the sign up did Martha

8        approve it?

9   A    Martha approved the sign to be on my desk in the folder

10        that are all approved signs. She wouldn't approve it

11        every single time. She approved it when I created the

12        sign.

13   Q    So my question is different than that. My question is

14        are you saying that the five times that you left the

15        site, according to you without permission, did you get --

16   A    I had her permission.

17   Q    -- authorization -- All right. So you're saying that you

18        didn't leave the site without authorization; every time

19        Martha gave you permission?

20   A    Martha was one of my direct supervisors. She gave me

21        permission to leave the site. I left the site.

22   Q    My question is are you saying that you did not leave the

23        site without permission, whether it be Martha or Fiona?

24            MR. FLYNN: Objection. Asked and answered.

25            THE WITNESS: Yes.

Natalie Reeser  
3/30/2015

Page 158

1 A Hm-hmm.

2 Q January 13 you say, "Fiona, if we need to sit down with  
3 HR, I understand, but I feel you changed the two markers  
4 to 2.2 on me due to personal feelings and not based on my  
5 job performance. I would like to see a copy of these  
6 several of complaints. I know -- and I know I had two  
7 and that's why I was sent -- I sent to training; however,  
8 it was found that the tape provided to me was wrong, so  
9 it was not strong enough to hold the skin; hence, the  
10 bruise."

11                   Okay. So where is the reference to you  
12 complaining about lunch here?

13 A There's no reference in that email about lunch. It's the  
14 reason why all of a sudden she started changing  
15 everything is because I brought up lunches to her.

16 Q When you say "changing everything," I only thought you  
17 complained about the two that you had here.

18 A She also -- I mean when I talk about changing things, I'm  
19 talking about taking away my location, calling me at  
20 home, harassing me.

21 Q Calling you --

22 A Things like that.

23 Q When did she call you at home and harass you?

24 A Early January or early February. Somewhere in there.

25                   She called me at -- somewhere around 8 o'clock at night

Natalie Reeser  
3/30/2015

Page 159

1 and basically told me off because I had reported that I  
2 was reporting to the State --

3 Q Okay.

4 A -- about lunches. And she said, "How dare you," and she  
5 said that I'll be sorry, and from that moment on all of a  
6 sudden then she started changing my review, changing my  
7 sites, sending me here. Everything started going  
8 downhill once Fiona found out that I wanted to go to  
9 lunch.

10 Q So you don't know whether it was January or February when  
11 she called you at home.

12 MR. FLYNN: Objection. Misconstrues her  
13 earlier testimony.

14 Q (Continuing by Mr. Miglio): Is that what you're saying?

15 A I don't recall exactly when it was, but it was Jan -- I  
16 believe it was in January or early February, yes.

17 Q All right. And you say she called you at home at 8 p.m.

18 A Approximately 8:30, 8:45. Somewhere late at night. It  
19 was late at night.

20 Q And did she call you on your cell phone?

21 A I don't recall what she called me on, whether it was my  
22 house phone or cell phone.

23 Q What was your house phone number?

24 A I don't recall. I don't know my phone numbers by heart.

25 Q Did you have a land line?

Natalie Reeser  
3/30/2015

Page 202

1 evaluations before the 2013, correct?

2 A Correcter.

3 Q Unsatisfactory is a two?

4 A Yep.

5 Q So then you say here in the meal breaks, the second  
6 paragraph, "I was told that any down" -- or first  
7 paragraph. "I was told any down time would be considered  
8 as lunch. However, I recently learned that the Fair  
9 Labor Standards Act, FLSA, states that hourly employees  
10 are required to work more than 40 hours a week are to be  
11 compensated for those hours under a term called engaged  
12 to work." See that?

13 A Yes.

14 Q Who and how did you learn about the term "engaged to  
15 work" and that that violated the Fair Labor Standards  
16 Act?

17 A Dr. Thakur had come to my office to let me know that he  
18 wasn't happy about seeing me not take lunches. He's a  
19 new doctor in the building. And when I let him know that  
20 my down time was lunches, that I do get a lunch, he said,  
21 "Down time is not lunch and you need to call the State."  
22 So when I called the State in January, they informed me  
23 down time is not lunch and that's called engaged to work  
24 and that's where I learned those terms.

25 Q And you learned those from Dr.Thakur.

Natalie Reeser  
3/30/2015

Page 203

1 A No. I learned about the Fair Labors Standard Act from  
2 Dr.Thakur. He said it was against the law. He didn't  
3 state the law that he -- that I just stated. I called  
4 the State. The State informed me of those two.

5 Q What did Dr.Thakur tell you about the law or the Fair  
6 Labor Standards Act?

7 A He told me that down time is not considered a lunch.

8 Q Okay. When did he tell you that?

9 A In January.

10 Q Is that something you spoke to him about?

11 A He came in my office.

12 Q Came in your office and just said, "Hey, I'm upset  
13 because you're not taking a lunch break"?

14 A Correct.

15 Q All right. What's Dr.Thackur's first name?

16 A I don't know. He's in the same building at Clinton  
17 Township PSC.

18 Q So then in the second paragraph it says, "Please know  
19 it's increasingly difficult to work busy days without any  
20 opportunity for a meal break, and some days even more  
21 difficult because management and sales personnel bring in  
22 food for lunch, take meal breaks, and eat in front of  
23 me."

24 A Always.

25 Q Okay. So what was the issue here? Was it that you

Natalie Reeser  
3/30/2015

Page 204

1                   weren't getting paid for taking lunch?

2   A   No.  It was that they were forcing me to work through  
3                   lunch and still not paying me.

4   Q   So are you saying that with the volume or lack of volume  
5                   of business there wasn't an opportunity for you to sit  
6                   down and take -- and eat your lunch?

7   A   There was never an opportunity that allowed me to leave  
8                   and go get or take a lunch that way.

9   Q   Listen to my question.  Are you saying that you didn't  
10                  have the opportunity to sit down and eat your lunch while  
11                  you were working at the facility?

12   A   In the first two years, yeah, there was time.  In the  
13                  last year, no.

14   Q   And there wasn't time for you to sit down at the facility  
15                  because you were so busy with the patients coming in?

16   A   Not just patients, but doing all of Martha's son's  
17                  wedding stuff, as well as her administration duties.

18   Q   Okay.  So because you were doing Martha's wedding stuff  
19                  and you had some other administrative duties, you weren't  
20                  able to sit down and eat lunch.

21   A   Correct.

22   Q   Then why did you bring all that food in?

23   A   That was diet food.  I have lost 150 pounds.

24   Q   Okay.  Well, why did you bring in the diet food if you  
25                  couldn't sit down and eat it?

Natalie Reeser  
3/30/2015

Page 205

1 A Because the diet food was shakes, and I was allowed to  
2 drink.

3 Q Okay. So what did you have to do for Martha's son's  
4 wedding?

5 A Martha had me do all of her table decorations. She had  
6 me working on her son's wedding at the PSC at least seven  
7 months and on a daily basis had me working on it at least  
8 for two to three hours a day. She had me do all of her  
9 popcorn bags. She had me do all of her center pieces.  
10 She had me do her movie theater table, which had chairs,  
11 and her candy table. And as a matter of fact, I ran the  
12 candy table at the wedding.

13 Q All right. So while you were at the Clinton center site  
14 working --

15 A Hm-hmm.

16 Q -- supposedly working, seeing patients, drawing blood,  
17 you're saying that Martha made you do all of her table  
18 decorations, right?

19 A Yes.

20 Q That's one thing.

21 A Yes.

22 Q What did you have to do for the table decorations?

23 A I created all the center pieces. They are candle votives  
24 with diamonds all the way around it.

25 Q How many were there?

Natalie Reeser  
3/30/2015

Page 206

1 A 30, 40.

2 Q Okay. How long did it take you to do that?

3 A A long time.

4 Q Okay. And so where were the materials to do the center  
5 pieces?

6 A Right there in the office.

7 Q Okay. So if somebody came in and -- they could see these  
8 things laying around?

9 A Yes. Maria Inger (ph) came in on several occasions and  
10 saw me work on the wedding. Never said anything.

11 Q Okay. Maria Inger saw you.

12 A Yes.

13 Q Who else saw you?

14 A It would be Dr. Meshach's office assistant come down and  
15 she checked them out. The girls down the hall would have  
16 seen them because we were showing them off.

17 Q Why were you showing them off?

18 A Because they're cool.

19 Q All right. And did Fiona ever see you working on them?

20 A No.

21 Q Why not?

22 A Because Martha kept that from Fiona.

23 Q Well, if they were out and you were working there while  
24 you were supposed to be drawing blood and stuff like that  
25 for patients --

Natalie Reeser  
3/30/2015

Page 207

1 A Hm-hmm.  
2 Q -- what did you do with them when Fiona came to the site?  
3 A Fiona barely ever came to my site.  
4 Q Okay. Well, did she ever come to the site when you were  
5 working on them?  
6 A No.  
7 Q All right. So how many days did it take you to do the 30  
8 table decorations?  
9 A Hmm. We worked on that for probably two to three months.  
10 Q Every day?  
11 A Not every day, but almost. Yes. Her daughter came in  
12 and helped do the popcorn bags, and that took quite some  
13 time.  
14 Q I'm not talking about popcorn bags. I'm just talking  
15 about the table decorations. Two to three months every  
16 day to do the 30 table decorations.  
17 A Yes.  
18 Q What were they comprised of?  
19 A I glued diamond crystals all the way around them. All  
20 the way -- They're big vases.  
21 Q Well, you must have had a lot of down time at that site  
22 if you had that kind of time to do those.  
23 A No, I just had a lot of work. I had to do my patients, I  
24 had to register, and I had to do what she asked me to do  
25 because she was a direct supervisor, and when she gives

Natalie Reeser  
3/30/2015

Page 222

1 Q Okay. Now, "Also, based on emails I received last week,  
2 I believe my supervisor altered or deleted goals that  
3 were part of the original evaluation."

4 A For --

5 Q Now, when you say "my supervisor," who were you referring  
6 to?

7 A The person who writes my reviews. That would be Fiona  
8 Bork.

9 Q My supervisor.

10 A When she writes performance reviews, she does the  
11 performance reviews. That makes her that supervisor over  
12 that portion of my job.

13 Q And so you say you don't know whether there was one or  
14 two goals or what.

15 A Correct.

16 Q What does that mean, "altered or deleted"?

17 A For two years she allowed me to have a goal that I wanted  
18 to raise the level of patients through repeat customers,  
19 because one of the things that I had going for me there  
20 that destroyed me was that I built a relationship base  
21 with all the these customers. I had repeat customers on a  
22 daily basis and -- What was the question, I'm sorry?

23 Q I said what was the goal you thought she deleted?

24 A Oh. And I -- The goal was that I wanted to build the  
25 laboratory up from, you know, when I first started in

Natalie Reeser  
3/30/2015

Page 259

1                   would give me extra work.

2                   MR. FLYNN: Read this document carefully,  
3                   Natalie.

4                   THE WITNESS: Okay.

5   Q  (Continuing by Mr. Miglio): What is that about?

6   A  That's about all the issues they were having at Shelby.

7   Q  Okay. You received a copy of that?

8   A  Correct.

9   Q  Did you think it had application to you?

10   A  It all applies to me, except for the fact that I'm not  
11       the reason this email came out. The reason this email  
12       came out is because they were having too many problems at  
13       Shelby. My office didn't have defects.

14   Q  What kind of defects did they have at Shelby?

15   A  They were stacking the labels. They weren't labeling in  
16       front of the patient. They were running in and out of  
17       the rooms, switching people. I mean it -- Shelby's a  
18       mess. And these are the two PSC people, and I run  
19       Clinton Township PSC, and this was directed towards the  
20       Shelby Township PSC, if you see "Shelby Patient Safety  
21       Procedure," because the Shelby Office was having defects.  
22       I was copied to because I run a PSC.

23                   (Exhibit 79 marked.)

24   Q  (Continuing by Mr. Miglio): Let me show you what's been  
25       marked as Exhibit 78 (sic).

Natalie Reeser  
3/30/2015

Page 260

1 A Yes.

2 Q So this is an email at the bottom here that you sent to  
3 Fiona, Luain and Martha at --

4 MR. FLYNN: I hate to interrupt you, but the  
5 exhibit's misnumbered again. The earlier one, I believe,  
6 was 78.

7 MR. MIGLIO: Let me get that back.

8 Q (Continuing by Mr. Miglio): All right. Let me show you  
9 what we marked as Exhibit 79.

10 A Okay.

11 Q So the email that's on here, "I'm very upset. I'm  
12 putting a note on the door. I'm taking a 30-minute lunch  
13 today." That's an email that you sent to Fiona, Luain,  
14 and Martha.

15 A Correct.

16 Q At 1:12 on September 25th.

17 A Yes.

18 Q Okay. What time did you start work that day?

19 A 7:30 a.m.

20 Q And what happened after you started work?

21 A I got a phone call from Fiona Bork.

22 Q Okay.

23 A Explaining to me that I think I'm some superior person or  
24 something because I went to HR about her, but that I'd be  
25 sorry and she hung up on me. She told me -- Oh, before

Natalie Reeser  
3/30/2015

Page 261

1           she hung up on me she told me she was changing my site,  
2           and I informed her on that phone call that I planned on  
3           taking a lunch that day from the new policy the day  
4           before, and she never once said anything about the lunch  
5           policy not being -- not allowing me to go.

6   Q    Okay. So let's get this it straight. So you're working  
7           and she calls you.

8   A    Yes.

9   Q    And she calls you on what phone?

10   A   I don't know if it was the office phone, my work phone,  
11           or my cell phone.

12   Q    Okay. So you don't know whether it was the office phone,  
13           your work phone, or your cell phone.

14   A    Correct.

15   Q    And did you see what the number was that she was calling  
16           from?

17   A    I don't recall.

18   Q    What time did she call?

19   A    Sometime in the morning.

20   Q    Okay. And tell me exactly what she said.

21   A    Just the facts of that I'm going to be sorry. I think  
22           she thought that --

23   Q    I don't want to know what she thought. I just want to  
24           know what she said.

25           MR. FLYNN: Just go bit by bit through that

Natalie Reeser  
3/30/2015

Page 262

1 conversation now.

2 THE WITNESS: Basically it was how dare you  
3 think that you can go to HR on me. How dare you think  
4 that you, you know -- I don't . . . I don't recall word  
5 for word what she said, but she was saying things like,  
6 "You're going to be sorry," and that she wasn't going to  
7 pay me for my lunches prior to that day.

8 Q (Continuing by Mr. Miglio): Did you make a note of that  
9 conversation?

10 A I emailed her right after that conversation and I asked  
11 her, "Is this move permanent or is this move" -- because  
12 she told me on the phone conversation she was moving me,  
13 so I wanted to know if my move was permanent or  
14 temporary.

15 Q All right. What else did she say during the  
16 conversation?

17 A She was just angry and . . . I don't . . . I don't recall  
18 it word for word.

19 Q Okay. And you say she said something about paying you?

20 A I meant to also cc the HFML outreach that was in the new  
21 email address that we were supposed to sign out our lunch  
22 at, but . . . because they had been informed by the State  
23 a month earlier.

24 Q I don't care about that. What I'm asking you about is  
25 what else did she say to you during that conversation?

Natalie Reeser  
3/30/2015

Page 263

1 A She said, "How dare you go to the State?" She was -- She  
2 was upset that I told on her for not giving me a lunch  
3 and she thought that was rude and not very friendly and  
4 I'm not very team like, and she was calling me names and  
5 telling me how sorry I'm going to be, and she hung up on  
6 me after I told her that I was going to take a lunch.  
7 Q So let's explore that. She said how angry she was about  
8 you going to the State?  
9 A Going to HR.  
10 Q Well, which is it? Is it the State or HR?  
11 A To me they're both the same thing. HR.  
12 Q So did she say "State" or "HR"?  
13 A She said going to HR about her.  
14 Q Okay. And she said she was angry that you went to HR  
15 about her.  
16 A Yes.  
17 Q About her.  
18 A Yes.  
19 Q Okay. And what had happened up until that point with the  
20 human resources investigation about whether or not you  
21 should have gotten paid or not?  
22 A They ignored me for a month straight. I sent them emails  
23 asking for direction. I got emails from Martha stating  
24 she wasn't going to pay me. I got emails from Fiona  
25 saying, "Lunches are mandatory. Why aren't you taking

Natalie Reeser  
3/30/2015

Page 264

1           lunches?" But then in another state (sic) she's saying,  
2           "Take a lunch and it's insubordination," so.

3   Q    So in other words, when you had this conversation with  
4           her are you saying you didn't know whether you were going  
5           to get paid or not?

6   A    I knew at that point I was not getting paid for lunches,  
7           correct.

8   Q    Did you know whether Henry Ford Health System was going  
9           to pay you or not?

10   A    At this time, this day, when I wrote this email, no,  
11           they -- I did not know.

12   Q    Okay.

13   A    Jill Hood said they were doing an investigation and  
14           looking into paying me, but never once did anyone tell me  
15           they were directly going to pay me.

16   Q    Okay. So what happened after the phone call?

17   A    Martha came out of her office and I spoke with her.

18   Q    What did you say to her?

19   A    I told her what was going on with Fiona, what Fiona said  
20           on the phone. She gave me a hug.

21   Q    What did you say to her exactly?

22   A    I told her that she was yelling at me. I told her that  
23           she was upset because I reported the lunch piece, because  
24           she thinks that she's all high and mighty and she doesn't  
25           have to follow any rules, she makes up her own rules, and

Natalie Reeser  
3/30/2015

Page 265

1                   she basically gave me a hug, she told me she was so sorry  
2                   that I was going through that, and she also told me to go  
3                   to HR again.

4   Q    Okay. And then what happened?

5   A    And then I went back to my desk. I sent this email. I  
6                   proceeded to get my purse. I went back to the break room  
7                   where my purse and my coat and stuff was. I picked that  
8                   up. I looked in the room. Waved to Martha. Martha  
9                   waved to me. I walked out.

10   Q    Where did you go?

11   A    I went and sat in my car for 30 minutes and cried.

12   Q    Okay. And who was taking care of the patients while you  
13                   were doing that?

14   A    There was the sign on the door.

15   Q    Okay. What sign was that?

16   A    The sign that's allowed to use when you take a lunch.

17   Q    What did the sign say?

18   A    That I'll be returning in 30 minutes.

19   Q    Okay. Is that like a handwritten sign or something?

20   A    No. The exact sign that you have in your exhibit.

21   Q    Okay. So did you get Fiona's permission to leave the  
22                   site on that day?

23   A    Fiona never told me I could not go to lunch on that day,  
24                   no.

25   Q    Did you get Fiona's permission to leave the site on that

Natalie Reeser  
3/30/2015

Page 266

1 day, yes or no?

2 MR. FLYNN: Asked and answered.

3 THE WITNESS: I was on the phone with Fiona. I  
4 told her I was going to lunch. Not once did she say I  
5 couldn't go to lunch. Not once did she say I could go to  
6 lunch.

7 Q (Continuing by Mr. Miglio): Okay. Did you get Martha  
8 Wiseheart's permission to go to lunch and leave the site  
9 that day?

10 A Yes, I did.

11 Q And what did she say specifically?

12 A She said, "You need to take some time to yourself and you  
13 definitely need to go to HR," and she gave me a big, long  
14 hug. I mean we hugged for like three minutes, so.

15 Q So that's what she said that made you think that you  
16 could just put the sign up and go to lunch?

17 A No. The new lunch policy that was given to me on  
18 February 24th, the day before I was told I could go to  
19 lunch.

20 Q What did the policy say?

21 A The policy said we now sign in and out through HFML and  
22 we take a 30-minute lunch. And nowhere does the new  
23 policy say that I had to get permission.

24 Q Okay.

25 A It says to email in, to email out, and I emailed in and I

Natalie Reeser  
3/30/2015

Page 267

1           emailed out, just to the wrong email address, which  
2           should have been an occurrence, not a suspension.

3 Q All right. Let's take a break. I'm going to get that  
4 email.

5 A Hm-hmm.

6 (Whereupon a recess was taken at or about the  
7 hour of 5:31 p.m., and the deposition was resumed at or  
8 about the hour of 5:40 p.m.)

14 MR. MIGLIO: I've got to take an emergency  
15 call.

19 (Whereupon the following portion of the  
20 transcript was read as follows:

21 THE WITNESS: I have to correct my testimony on  
22 record, because I was getting mixed up between two  
23 different Fiona conversations from Fiona Bork. On the  
24 conversation from February 25th, 2014, she yelled at me  
25 for going to the State of Michigan on her.")

Natalie Reeser  
3/30/2015

Page 272

1 Q (Continuing by Mr. Miglio): Let me show you this. Do you  
2 recognize this?  
3 A Yes.  
4 Q What is this?  
5 A This is the paperwork I filled out for the State.  
6 Q Do you see the time stamp on the side of it?  
7 A Yes.  
8 Q Do you see that? What's the date there?  
9 A February 27th, 2014.  
10 Q Okay. That's the date that it was filed with the agency.  
11 You understand that?  
12 A No. That's the date they received it at the agency.  
13 Q How else would they be filed with the agency if they  
14 didn't receive it?  
15 A It's different when you mail it in. I mean --  
16 Q Do you realize that you lied to the Court in this case  
17 about when that was filed?  
18 A No.  
19 Q Do you remember making an allegation in the complaint  
20 through your lawyer that it was filed before your  
21 termination?  
22 A It was filed before I was terminated.  
23 Q Well, you know what? The State of Michigan says it  
24 wasn't. So how do you think there is a discrepancy  
25 there?

Natalie Reeser  
3/30/2015

Page 273

1 MR. FLYNN: Counsel, she was terminated mid  
2 March.

3 THE WITNESS: I was terminated in the early --  
4 on February 25th --

5 Q (Continuing by Mr. Miglio): Well, let's go back.

6 A This is February 27th.

7 Q Yeah. Do you recall making an allegation --

8 MR. FLYNN: You mean you were suspended.

9 THE WITNESS: I was suspended. Sorry. I  
10 wasn't terminated until March 5th.

11 Q (Continuing by Mr. Miglio): Do you recall making an  
12 allegation in the complaint and attaching the unfiled  
13 complaint saying that you filed this complaint before you  
14 were suspended? We can get it out if you want.

15 A I don't understand.

16 Q Yeah, here it is here. Look at 22.

17 A Okay.

18 Q On February 25th Plaintiff filed a complaint with the  
19 State of Michigan alleging violation of the Fair Labor  
20 Standards Act --

21 MR. FLYNN: Counsel, she's indicated several  
22 times that --

23 MR. MIGLIO: -- and retaliation.

24 MR. FLYNN: -- she mailed it in at that date.

25 MR. MIGLIO: Do you see that?

Natalie Reeser  
3/30/2015

Page 291

1       were you subjected to? We know about the evaluation -- I  
2       guess we know about the evaluation. What other -- And  
3       you said one time she showed there and she was humming  
4       loudly and shredding paper. What other harassment?

5       A      She called me at home. She called me at work, and you'll  
6       hear the message where she's harassing me for a good 16  
7       minutes at work, when I'm on the job, for her own  
8       personal reason.

9       Q      That's --

10      A      There was a lot of -- She had a personal vendetta against  
11       me because I went to the State of Michigan on her.

12      Q      Well, what was the issue -- Well, first of all, when did  
13       you go to the State of Michigan? Let's get that down.

14      A      Early January was my first contact with the State of  
15       Michigan.

16      Q      Early January. Okay. And did she know about that in  
17       early January?

18      A      I told her I was going to the State.

19      Q      When did you do that?

20      A      Sometime in February.

21      Q      Okay. So she didn't know about it in early January, so  
22       what else did you receive in the way of harassment in  
23       January?

24      A      Changing of my site, sending me . . . There's so much  
25       that I've read and gone over today. I'm getting confused

Natalie Reeser  
3/30/2015

Page 296

1 A The new lunch policy, correct.

2 Q So tell me where the reference to the new lunch policy is  
3 in this email. Show me where that is, because I didn't  
4 see it anywhere as a justification for what you were  
5 doing.

6 A Fiona didn't tell me I couldn't go to lunch on the phone.  
7 Martha didn't tell me I couldn't go to lunch when I waved  
8 at her. Martha didn't tell me I couldn't go to lunch  
9 when she received the email. Nobody told me that the new  
10 policy wasn't for me and it was allowed for everyone  
11 else. Nobody said that.

12 Q I don't even see you referencing the new policy here. Am  
13 I mistaken? Is it referenced here?

14 MR. FLYNN: He's saying in the document.

15 MR. MIGLIO: Yeah.

16 Q (Continuing by Mr. Miglio): If you were taking -- If you  
17 were saying to Jill Hood, "I left in accordance with the  
18 new policy," why didn't you say that in this email?

19 A I was under distress. I don't -- I was under major  
20 distress on this day. I don't know.

21 Q You were under major distress when you wrote this.

22 A I was having panic attacks. I had just been walked out  
23 of my office that I took care of for three years, all my  
24 patients.

25 Q So are you saying that we can't believe anything that's

Natalie Reeser  
3/30/2015

Page 322

1 MR. FLYNN: -- asked (sic) your question.

2 She's answered your question.

3 MR. MIGLIO: The question was what Martha told  
4 her, not what she did, okay? Don't --

5 THE WITNESS: I can't recall the exact  
6 conversation that I had with Martha.

7 MR. MIGLIO: Read the question back. Let her  
8 answer.

9 THE WITNESS: It was more of a friendly thing  
10 where she was hugging me and telling me how sorry she was  
11 that I was going through this and how I definitely needed  
12 to reach out to HR about Fiona's behavior and I  
13 definitely should.

14 Q (Continuing by Mr. Miglio): The question is simply did  
15 Martha Wiseheart tell you that you could go to lunch on  
16 February 25th immediately or before you went and posted a  
17 sign and left the site?

18 MR. FLYNN: Objection. Asked and answered.

19 THE WITNESS: I didn't ask her on the 25th if I  
20 could go to lunch.

21 Q (Continuing by Mr. Miglio): I didn't ask you whether you  
22 asked her. I asked you whether or not she told you.

23 A She waved me on.

24 Q Did she tell you that you could go to lunch on that day?

25 MR. FLYNN: Objection. She was just trying to